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20 **IN THE UNITED STATES DISTRICT COURT**  
21 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**  
22 **SAN FRANCISCO DIVISION**

23 STEVE ELLIS, et al.

24 Plaintiffs,

25 v.

26 STEVEN P. BRADBURY, et al.

27 Defendants,

28 and

BAYER CROPSCIENCE LP, et al.

Defendant-Intervenors.

Case No.: 3:13-cv-1266-MMC  
**STIPULATION TO STAY ALL  
PROCEEDINGS AND ~~PROPOSED~~  
ORDER THEREON**

**Honorable Maxine M. Chesney**

1 Pursuant to Civil L.R. 7-11, the parties hereby stipulate and request that the Court  
2 stay all proceedings in the above-captioned case and adopt the parties' Proposed Order.  
3 In support of their Joint Stipulation, the parties state the following.

4 1. Federal Defendants represent that at the end of the day on September 30, 2013,  
5 the appropriations act that had been funding the Department of Justice expired and  
6 appropriations to the Department lapsed. The same is true for most Executive agencies,  
7 including the United States Environmental Protection Agency ("EPA"). Federal  
8 Defendants do not know when funding will be restored by Congress.

9 2. Federal Defendants further represent that, absent an appropriation, Department  
10 of Justice attorneys, Federal Defendants, and employees of the EPA are prohibited from  
11 working, even on a voluntary basis, except in very limited circumstances, including  
12 "emergencies involving the safety of human life or the protection of property." 31 U.S.C.  
13 § 1342.

14 3. The parties therefore request a stay of all proceedings, including all deadlines  
15 pursuant to the Federal Rules of Civil Procedure and this Court's Orders, until Congress  
16 has restored appropriations to Federal Defendants and the Department of Justice and  
17 Department of Justice attorneys are permitted to resume their usual civil litigation  
18 functions. The proceedings to be stayed include Plaintiffs' filing of a response to  
19 Defendants' Motions to Dismiss (Dkts. 59 & 74) presently due October 18, 2013;  
20 Defendants' replies in support of their respective motions to dismiss, due November 1,  
21 2013; oral argument on the motions to dismiss, set for December 6, 2013; and a Case  
22 Management Conference, set for December 13, 2013. *See* Order filed August 6, 2013  
23 (Dkt. 65); Order filed July 22, 2013 (Dkt. 26); and Order filed October 11, 2013 (Dkt.  
24 77).

25 4. If this stipulation to stay of all proceedings is granted, Federal Defendants will  
26 notify the Court as soon as Congress has appropriated funds for EPA and the Department  
27 of Justice. The parties request that, at that point, the stay be lifted and that the parties file  
28

1 a joint status report within seven days thereafter stating the parties' proposal(s) for a new  
2 litigation schedule.

3 5. In the event the Court approves this stipulation, Plaintiffs' pending Motion to  
4 Enlarge Time for Plaintiffs to Respond to Motions to Dismiss (Dkt. 75) is moot and the  
5 Court's Order approving this stipulation would supersede the Order filed October 11,  
6 2013 (Dkt. 77), granting Plaintiffs a limited interim extension of time to file their  
7 opposition to Federal Defendants' and Intervenor Defendants' respective motions to  
8 dismiss.

9 Respectfully submitted,

10 Date: October 11, 2013

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**[PROPOSED] ORDER**

Before the Court is the Parties' Joint Stipulation to Stay All Proceedings. (Dkt. 78.) The Stipulation requests a stay of all proceedings, including all deadlines pursuant to the Federal Rules of Civil Procedure and this Court's Orders, until Congress has restored appropriations to the Department of Justice and EPA. Plaintiffs and Intervenor-Defendants join in this Stipulation. The Court has reviewed the same and finds good cause has been shown to grant the requested stay.

NOW THEREFORE IT IS ORDERED that the Parties' Stipulation to Stay All Proceedings is granted.


1. All proceedings in the above-captioned matter are stayed until such time as Congress has appropriated funds for EPA and the Department of Justice and Department of Justice attorneys are permitted to resume their usual civil litigation functions.

2. Federal Defendants shall promptly notify the Court and parties as soon as Congress has appropriated funds for EPA and the Department of Justice.

3. The parties shall file a joint status report within seven days of Federal Defendants' notice stating the parties' proposal(s) for a new litigation schedule.

IT IS SO ORDERED.

DATED this 11th day of October, 2013.

  
MAXINE M. CHESNEY  
United States District Judge